

10/15/2005

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Small Entity)**

Docket No.

15727

In Re Application Of: **Helen G. Durkin, et al.**

OCT 18 2005

PATENT & TRADEMARK OFFICE

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/523,856	Feb. 7, 2005	Unassigned	23389	Unassigned	Unassigned

**Invention: A METHOD FOR MONITORING THE EFFECTIVENESS OF
TETRACYCLINE IN THE TREATMENT OF ASTHMA**

Mail Stop Missing Parts

COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on

July 11, 2005

Date

Enclosed herewith for filing are the following:

- A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- A properly signed oath or declaration in compliance with 37 CFR 1.63.
- An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- _____ verified small entity declaration(s)
 - is/are attached.
 - was/were filed on _____
- A separate request for refund.
- Other (list):

10/24/2005 OCT 2005
Response To Notice To File Missing Parts Of Application
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Helen G. Durkin, et al.

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Invention: **A METHOD FOR MONITORING THE EFFECTIVENESS OF TETRACYCLINE IN THE TREATMENT OF ASTHMA**

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

Completion of application fees as calculated below:

- | | |
|---|---------|
| <input type="checkbox"/> Utility application basic fee | _____ |
| <input type="checkbox"/> Design application basic fee | _____ |
| <input type="checkbox"/> Search Fee | \$0.00 |
| <input type="checkbox"/> Examination Fee | \$0.00 |
| <input type="checkbox"/> Total number of independent claims = | _____ |
| <input type="checkbox"/> Total number of claims = | _____ |
| <input type="checkbox"/> Multiple dependent claims | _____ |
| <input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath | \$65.00 |
| <input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor | _____ |
| <input type="checkbox"/> Fee for processing an application filed with a non-English language specification | _____ |
| <input type="checkbox"/> Fee for processing and retention of application | _____ |

10/24/2005 MKAYPAGH 00000123 10523856

Total completion of application fees \$65.00

01 FO:2617

65.00 0P

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

One month Two months Three months Four months Five months

from: September 11, 2005 *Date* until: October 11, 2005 *Date*

10/24/2005 MKAYPAGH 00000123 10523856

Total time extension fees \$60.00

02 FO:2251

60.00 0P

Total fees due \$125.00

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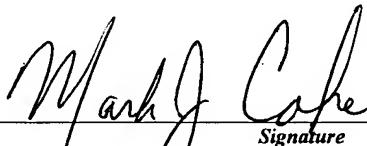
TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

The fee of **\$125.00** is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-1013**
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-1013**
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

Mark J. Cohen, Reg. No. 32,211
SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza - Suite 300
Garden City, NY 11530
(516) 742-4343

Dated: **October 11, 2005**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

Oct. 11, 2005

(Date)

Mark J. Cohen
Signature of Person Mailing Correspondence

Mark J. Cohen

Typed or Printed Name of Person Mailing Correspondence

MJC:ahs

CC:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

PCT

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/523,856	Helen G Durkin	15727

23389
 SCULLY SCOTT MURPHY & PRESSER, PC
 400 GARDEN CITY PLAZA
 SUITE 300
 GARDEN CITY, NY 11530

COPY

INTERNATIONAL APPLICATION NO.	
IA. FILING DATE	PRIORITY DATE
08/08/2003	08/09/2002

CONFIRMATION NO. 4411
 371 FORMALITIES LETTER



OC000000016478669

Date Mailed: 07/11/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/07/2005
- Copy of the International Search Report filed on 02/07/2005
- U.S. Basic National Fees filed on 02/07/2005
- Priority Documents filed on 02/07/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/523,856	PCT/US03/24746	15727

FORM PCT/DO/EO/905 (371 Formalities Notice)

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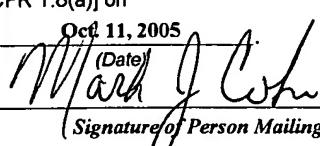
Dated: **October 11, 2005**

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